

## UNITED STATES DEPARTMENT OF TRANSPORTATION



Legal: GCC TRANSPORTE SA DE CV

Operating (DBA):

MC/MX #: 701100

RFC #: GTR0005086XA

Federal Tax ID:

Application Tracking #: 8409

Review Type: Safety Audit - Pre-Authority (OP1)

Scope: Entire Operation

Location of Review/Audit: Company facility in another country

Territory:

## Operation Types Interstate Intrastate

Carrier: Non-HM N/A

Shipper: N/A N/A

Cargo Tank: N/A

Business: Corporation

Gross Revenue: \$8,656,039.00

for year ending: 12/31/2006

## Company Physical Address:

AVE DE LAS INDUSTRIAS 6900  
CHIHUAHUA, CI 31110 MEXICO

Contact Name: CESAR LEYVA

Phone numbers: (1) 614- 442-3146

(2) 656-637-6443

Fax 656-637-6444

E-Mail Address: cleyvas@gcc.com

## Company Mailing Address:

PO BOX 3607  
EL PASO, TX 79923

## Process Agent Address:

5721 E YANDELL ST  
EL PASO, TX 79925

Contact Name: MARIA M GARCIA

Phone numbers: (1) (915)838-1080

(2)

Fax

E-Mail Address: mariagarciabtc@yahoo.com

## Carrier Classification

Authorized for Hire

## Cargo Classification

Commodities Dry Bulk

Other: cement

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

## Driver Information

	Inter	Intra
< 100 Miles:	13	0
>= 100 Miles:	0	0

Average trip leased drivers/month: 0

Total Drivers: 13

CDL Drivers: 13

## Equipment

## Owned Term Leased Trip Leased

	Owned	Term Leased	Trip Leased
Truck Tractor	13	0	0
Trailer	18	0	0

Power units used in the U.S.:13

Percentage of time used in the U.S.:100



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**GCC TRANSPORTE SA DE CV**

Application Tracking #:8409

RFC #: GTR0005086XA

Review Date:

07/20/2007

## Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1036 East Levee, Suite 201  
Brownsville (Auditors/SI), TX 78520  
Phone: (956)541-5894 Fax:(956)982-0741

**This SAFETY AUDIT will be used to assess your safety compliance.**

### Person(s) Interviewed

**Name:** CESAR GERARDO LEYVA

**Title:** GENERAL MANAGER

**Name:** MARIA M GARCIA

**Title:** PROCESS AGENT/CONSULTANT

**Part B - Questions and Answers****Question** General # 1 - Section # 387.7(a) Acute**Answer**

Does the carrier have the required minimum level of financial responsibility in effect?

Yes

**Comments**

The carrier has the required levels of financial responsibility for \$1,000,000 Policy No-PC0005511 EFFECTIVE 02/28/2007 TO 02/28/2008

**Question** General # 2 - Section # 387.7(d) Critical**Answer**

Does the carrier have required proof of financial responsibility?

Yes

**Comments**

The carrier has copies of the MCS-90 forms and they are complete (including signature). Retention of MCS-90 for one year for FY2006 on file.

**Question** General # 3 - Section # 390.15(b)(1)**Answer**

Can the carrier provide a complete accident register of recordable accidents?

N/A

**Comments**

The carrier has not had any recordable accidents within the last 12 months.

**Question** General # 4 - Section # 390.15(b)(2) Critical**Answer**

Does the carrier have copies of all accident reports required by States or other government entities or insurers?

N/A

**Comments**

The carrier has not had any recordable accidents within the last 12 months.

**Question** General # 5 - Section # 390.3(e)**Answer**

Is the carrier knowledgeable of the FMCSRs/HMRs?

Yes

**Comments**

Carrier is familiar with FMCSA website and has access to the internet.

**Question** General # 6 - Section # 390.21**Answer**

Does the carrier know the commercial motor vehicles marking requirements?

Yes

**Comments**

The carrier knows the marking requirements. Made aware of new marking requirements if issued OP-1 Authority.

**Question** Driver # 1 - Section # 391.51(a) Critical**Answer**

Does the carrier maintain complete driver qualification files?

Yes

**Comments**

The carrier maintains complete driver qualification files in accordance with PART 391 PASA Memorandum. See Part C

**Question** Driver # 2 - Section # 391.11(b)(4) Acute**Answer**

Is the carrier using physically qualified drivers?

Yes

**Comments**

**Part B - Questions and Answers****Question** Driver # 3 - Section # 391.45(a), 391.45(b) Critical

Does available evidence indicate the motor carrier has used a driver without a medical certificate or with an expired medical certificate?

**Answer**

No

**Comments**

Current copy of Licencia Federal on file for all 13 selected drivers

**Question** Driver # 4 - Section # 391.15(a) Acute

Is the carrier using any disqualified drivers?

**Answer**

No

**Comments****Question** Driver # 5 - Section # 391.51(b)(2) Critical

Does the carrier maintain driving and employment history inquiry data in driver qualification files?

**Answer**

N/A

**Comments**

Mexican motor carries may not be able to review a driver's driving record in accordance with # 391.23(a)(1).

**Question** Driver # 6 - Section # 382.115(a) Acute

Has the carrier implemented an alcohol and/or controlled substances testing program?

**Answer**

Yes

**Comments**

The carrier has implemented a D&A testing program.

**Question** Driver # 7 - Section # 382.213(b) Acute

Has the carrier used drivers who have used controlled substances?

**Answer**

No

**Comments****Question** Driver # 8 - Section # 382.215 Acute

Has the carrier used a driver who has tested positive for a controlled substance?

**Answer**

No

**Comments****Question** Driver # 9 - Section # 382.201 Acute

Has the carrier used a driver known to have an alcohol concentration of 0.04 or greater?

**Answer**

No

**Comments****Question** Driver # 10 - Section # 382.505(a) Acute

Has the carrier used a driver found to have an alcohol concentration of .02 or greater but less than .04 within 24 hours of being tested?

**Answer**

No

**Comments**

	<b>GCC TRANSPORTE SA DE CV</b> Application Tracking #: 8409      RFC #: GTR0005086XA	Review Date: 07/20/2007
<b>Part B - Questions and Answers</b>		

<b>Question</b> Driver # 11 - Section # 382.301(a) Critical Has the carrier ensured that drivers have undergone testing for controlled substances prior to performing a safety sensitive function?	<b>Answer</b> Yes
<b>Comments</b> The carrier has not used a driver prior to receiving a negative result.	

<b>Question</b> Driver # 12 - Section # 382.303(a) Critical Has the carrier conducted post accident testing on drivers for alcohol and/or controlled substances?	<b>Answer</b> N/A
<b>Comments</b>	

<b>Question</b> Driver # 13 - Section # 382.305 Acute Has the carrier implemented random testing program?	<b>Answer</b> Yes
<b>Comments</b> The carrier has implemented random controlled substance testing.	

<b>Question</b> Driver # 14 - Section # 382.305(b)(1) Critical Has the carrier conducted random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions?	<b>Answer</b> No
<b>Comments</b> No evidence proved by carrier that they complied for FY2006. See Part C. Tests performed for FY2006 5.09% / Trip Date 07/10/2006	

<b>Question</b> Driver # 15 - Section # 382.305(b)(2) Critical Has the carrier conducted controlled substance testing at an annual rate of not less than the applicable annual rate of the average number of driver positions?	<b>Answer</b> No
<b>Comments</b> No evidence proved by carrier that they complied for FY2006. See Part C Tests performed for FY2006 15.07% / Trip Date 07/05/2006	

<b>Question</b> Driver # 16 - Section # 40.305(a) Has the carrier conducted the required return-to-duty tests on employees returning to safety-sensitive functions?	<b>Answer</b> N/A
<b>Comments</b> The carrier did not have a driver engage in conduct prohibited by 49 CFR Part 40 Subpart O.	

<b>Question</b> Driver # 17 - Section # 40.309(a) Is the carrier conducting follow-up testing as directed by the Substance Abuse Professional?	<b>Answer</b> N/A
<b>Comments</b> The carrier has not had any drivers subject to this requirement.	

**Part B - Questions and Answers****Question** Driver # 18 - Section # 382.211 Acute

Has the carrier used a driver who has refused to submit to an alcohol or controlled substances test required under Part 382?

**Answer**

N/A

**Comments**

The carrier has not had any drivers who refused to submit to a test.

**Question** Driver # 19 - Section # 382.503 Critical

Has the carrier used a Substance Abuse Professional as required by 49 CFR Part 40 Subpart O?

**Answer**

N/A

**Comments**

The carrier has not had to use a SAP.

**Question** Driver # 20 - Section # 383.23(a) Critical

Has a driver operated a commercial motor vehicle without a current operating license, or a license, which hasn't been properly classed and endorsed?

**Answer**

No

**Comments****Question** Driver # 21 - Section # 383.37(a) Acute

Has the motor carrier allowed it's drivers who's CDLs have been suspended, revoked or canceled by a state, have lost the right to operate a CMV in a State, or have been disqualified from operating a CMV to operate a commercial motor vehicle?

**Answer**

No

**Comments****Question** Driver # 22 - Section # 383.51(a) Acute

Has the motor carrier knowingly allowed, required, permitted, or authorized a driver to drive who is disqualified to drive a commercial motor vehicle?

**Answer**

No

**Comments****Question** Operation #1 - Section # 395.8(a) Critical

Does the carrier require drivers to make a record of duty status?

**Answer**

N/A

**Comments**

The carrier requires drivers to make a record of time cards. See Part C.

**Question** Operation #2 - Section # 395.8(i) Critical

Does the carrier require drivers to submit records of duty status within 13 days?

**Answer**

N/A

**Comments**

**Part B - Questions and Answers****Question** Operation #3 - Section # 395.8(k)(1) Critical

Can the carrier produce records of duty status and supporting documents for selected drivers?

**Answer**

N/A

**Comments****Question** Operation #4 - Section # 395.3(a)(1) Critical

Has the carrier allowed driver(s) to exceed the 11-hour rule? (Property)

**Answer**

N/A

**Comments****Question** Operation #5 - Section # 395.3(a)(2) Critical

Has the carrier allowed driver(s) to exceed the 14-hour rule? (Property)

**Answer**

N/A

**Comments****Question** Operation #6 - Section # 395.3(b)(1) Critical

Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Property)

**Answer**

No

**Comments****Question** Operation #7 - Section # 395.3(b)(2) Critical

Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Property)

**Answer**

N/A

**Comments****Question** Operation #8 - Section # 395.5(a)(1) Critical

Has the carrier allowed driver(s) to exceed the 10 hour rule? (Passenger)

**Answer**

N/A

**Comments****Question** Operation #9 - Section # 395.5(a)(2) Critical

Has the carrier allowed driver(s) to exceed the 15 hour rule? (Passenger)

**Answer**

N/A

**Comments****Question** Operation #10 - Section # 395.5(b)(1) Critical

Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Passenger)

**Answer**

N/A

**Comments**

**Part B - Questions and Answers****Question** Operation #11 - Section # 395.5(b)(2) Critical

Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days?  
(Passenger)

**Answer**

N/A

**Comments****Question** Operation #12 - Section # 395.8(e) Critical

Does available evidence indicate a selected driver has prepared a false record of duty status?

**Answer**

N/A

**Comments****Question** Operation #13 - Section #

Does the carrier adhere to a disciplinary policy for noncompliance with Part 395?

**Answer**

Yes

**Comments**

The motor carrier provides evidence of adhering to a disciplinary policy for hour-of-service violations.

**Question** Operation #14 - Section # 395.1(e)

Does the carrier have a system for recording hours of duty status on 100- mile radius drivers, and are they properly utilizing the 100 air-mile radius exemption?

**Answer**

Yes

**Comments****Question** Operation #15 - Section # 392.2 Critical

Does the motor carrier ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they are operating?

**Answer**

Yes

**Comments****Question** Operation #16 - Section # 392.9(a)(1) Critical

Does the carrier ensure that drivers are not permitted to drive a vehicle without the cargo properly distributed and adequately secured?

**Answer**

Yes

**Comments****Question** Operation #17 - Section # 392.4(b) Acute

Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, narcotic drugs, amphetamines, or any other substances capable of rendering the drivers incapable of safely operating motor vehicles?

**Answer**

No

**Comments**



**Part B - Questions and Answers****Question** Operation #18 - Section # 392.5(b)(1) Acute

Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, intoxicating beverages?

**Answer**

No

**Comments****Question** Operation #19 - Section # 392.5(b)(2) Acute

Have any drivers operated a commercial motor vehicle within 4 hours of having consumed intoxicating beverages?

**Answer**

No

**Comments****Question** Maintenance # 1 - Section # 396.3(b) Critical

Can the carrier produce maintenance files for requested vehicle(s)?

*Puede el transportista mostrar archivos de mantenimiento para requeridos vehículos ?*

**Answer**

Yes

**Comments**

The carrier produced maintenance files for requested vehicles. 13 Truck Tractors and 18 Semi-Trailers

**Question** Maintenance # 2 - Section # 396.17(a) Critical

Can the motor carrier produce evidence of periodic (annual) inspections for selected vehicles?

**Answer**

Yes

**Comments**

The motor carrier produced evidence of a periodic inspections for power units and trailers.

**Question** Maintenance # 3 - Section # 396.11(a) Critical

Does the motor carrier require drivers to complete vehicle inspection reports daily?

**Answer**

Yes

**Comments****Question** Maintenance # 4 - Section # 396.11(c) Acute

Does the carrier ensure that out-of-service defects listed by the driver in the driver vehicle inspection reports are corrected before the vehicle is operated again?

**Answer**

Yes

**Comments****Question** Maintenance # 5 - Section # 396.9(c)(2) Acute

Does the carrier ensure vehicles that have been declared "out-of-service" do not operate before repairs have been made?

**Answer**

Yes

**Comments**

**Part B - Questions and Answers****Question** Maintenance # 6 - Section # 396.19

Is the carrier using qualified inspectors (mechanic) and maintaining evidence of the inspector's qualifications?

**Answer**

Yes

**Comments****Question** Maintenance # 7 - Section # 396.3

Can the carrier explain its systematic, periodic maintenance program?

**Answer**

Yes

**Comments****Question** Other # 1 - Section # 375.211

Does the carrier participate in an Arbitration Program?

**Answer**

N/A

**Comments****Question** Other # 2 - Section # 13702

Does the carrier assess shipper freight charges based upon published tariffs?

**Answer**

N/A

**Comments****Question** Other # 3 - Section # 375.401(c)

Does the carrier provide reasonably accurate estimates of moving charges?

**Answer**

N/A

**Comments****Question** Other # 4 - Section # 375.407(a), 375.703(b)

Has the carrier avoided "hostage freight" or other predatory practices?

**Answer**

N/A

**Comments****Question** Other # 5 - Section # 387.301(a), 387.301(b)

Does the HHG carrier have sufficient levels of public liability and cargo insurance?

**Answer**

N/A

**Comments****Question** Other # 6 - Section # 13901

Is the motor carrier authorized to conduct interstate operations in the United States?

**Answer**

Yes

**Comments**

FMCSA's License and Insurance database shows the carrier has the appropriate operating authority.

Note: No Hazardous Materials questions were asked because the carrier does not carry Hazardous Materials in Interstate Commerce.

**Part B Requirements and/or Recommendations**

1. Contramedidas de Accidentes es un grupo de estrategias defensiva designadas para reducir accidentes prevenibles. Estas estrategias y formas son necesarias, para aplicarlas pueden ser encontradas en la página de: FMCSA (Administración Federal de Seguridad de Auto transporte).  
[www.fmcsa.dot.gov/factsfigs/eta/counter.html](http://www.fmcsa.dot.gov/factsfigs/eta/counter.html)
2. Copias de las regulaciones, formas de necesidades, interpretaciones y manuales están disponibles por diferentes fuentes. Ud. puede chequear en la página de FMCSA (Administración Federal de Seguridad de Auto transporte) para una lista actual de proveedores.  
[www.fmcsa.dot.gov/factsfigs/eta/forms.html](http://www.fmcsa.dot.gov/factsfigs/eta/forms.html)
3. Una copia de el portafolio de su documento del Auto transportista puede ser obtenida por \$ 20.00 dólares en la siguiente página de seguridad de el Internet ([www.safersys.org](http://www.safersys.org)) o por teléfono llamando al 1-800-832-5660 o 703-280-4001. Ud. también puede escribir a: Computing Technologies, Inc  
P O Box 3248  
Merrifield, VA 22116-3248.  
El costo del documento si es ordenado por teléfono o correo es de \$27.50 dólares.
4. Si Ud. tiene alguna preguntas referente a este reporte, por favor llame al Federal Motor Carrier Safety Administration (Administración Federal de Seguridad de Auto transporte).
5. Los empleadores son responsables por el cumplimiento de sus oficinas, trabajadores, agentes, consorcio y contratistas. Con los requerimientos del 49 "CFR" (Código de Regulaciones Federales) parte 40.
6. Asegurarse que los conductores provean 10 años de historial de manejo.
7. Asegurarse que todos los conductores esten total y apropiadamente cualificado antes de operar en el mercado Interestatal. Mantener un archivo completo por cada conductor, en el proceso de documentación.
8. La Administración Federal de Seguridad de Auto transportista tiene una versión en Español en la siguiente página del Internet:  
[www.fmcsa.dot.gov/spanish](http://www.fmcsa.dot.gov/spanish)
9. Para preguntas de números del DOT o actualizar información cada dos años: 800-832-5560 o 703-280-4001  
Para preguntas de licencias, autoridad o números de MC: 202-366-9805  
Para preguntas de seguro: 202-385-2423  
Para quejas de enseres domésticos: 888-DOT-SAFT (888-368-7238)



**GCC TRANSPORTE SA DE CV**

Application Tracking #: 8409

RFC #: GTR0005086XA

Review Date:

07/20/2007

**Part C****Corporate Contact:** CESAR GERARDO LEYVA  
**Corporate Contact Title:** GENERAL MANAGER**Special Study Information:****Remarks:**

## ADDITIONAL INFORMATION:

(a) The motor carrier has been in operation for 17 years and bought out previous company Transportadora Raramuri SA De CV on August 13, 2003 when GCC Transporte SA De CV was formed. A copy of the official government notarized document was made available.

(b) The motor carrier is operating as an OP-2 Commercial Zone Carrier.

(c) The motor carrier was issued Provisional Authority to operate within the United States municipalities and commercial zone on 08/30/2004.

(d) The motor carrier GCC Transporte SA De CV has not been issued any expedited letters. MCMIS search results reveals no evidence of motor carrier having a safety audit. Enforcement Management Information System (EMIS) search results found 2 records of enforcement for previous named company Transportadora Raramuri SA De CV with full payment received. The case number are as followed:

(1) MX-2000-0045-US0733 04/05/200

(2) MX-2004-9927-US1034 07/28/2004

(e) If long-haul operating authority is granted, the carrier has plans to operate within the United States municipalities and commercial zones as well.

(f) The motor carrier is not affiliated with any motor carrier company in the United States.

(g) The motor carrier operates 28 CMV's locally in Ciudad Juarez, Chihuahua, Mexico and 30 other CMV's in Chihuahua, Chihuahua, Mexico for a total of 58 used only for local deliveries in Mexico.

(h) The Advisement of Obligation to Comply with Statutes and Regulations were discussed with motor carrier official Cesar Leyva, who signed and dated the form. A copy of the form was provided to the carrier.

(i) The motor carrier official present during the discussion of the Advisement of Obligation was legal representative/general manager Cesar Leyva.

(j) The Protested Application Process was discussed thoroughly with the carrier and a copy was provided to the motor carrier.

My initial contact with carrier representative was made on 06/18/2007 from the Brownsville Field Office. I advised the carrier the purpose of the PASA and the documents to be reviewed during Phase I and explained the PASA Process. The motor carrier volunteered to provide documents for Phase I Verification process. No changes were made or needed to the MCS-150 or OP-1 (MX) application, as information on file is current and correct. The PASA was originally scheduled for July 17-21 2007, but was rescheduled at the OIG request. The carrier did not object to the rescheduled date but was concern as another US Government Agency (CBP) were also paying them a visit on Friday 07/20/2007. This PASA consisted of a large traveling group to include Mexican SCT officials present at the carrier's on site location. The traveling team from United States consisted of the following personnel:

(1) Oscar Garza/Supervisor for Brownsville/McAllen Field Offices



**Part C**

Mexican government SCT officials present were:

- (1) Alfredo Peniche/General Director Federal Transportaion SCT/Mexico
- (2) Gerardo Michel/General Director Federal Transportation SCT Mexico
- (3) Carlos Gonzalez Narvaez/General Directo Federal Transportation SCT/Mexico
- (4) Lorenzo Huber Corral/Assistant Director SCT state of Chihuahua
- (5) Luis Herrera Gonzalez/General Director SCT state of Chihuahua
- (6) Francisco Garcia/Chief of Federal Transportation SCT/Mexico
- (7) Valente Aguilar Zinzer/General Director of Transportaion Preventive Medicine SCT/Mexico
- (8) Alejandro Bouchot/Director of Trans-Border Demo Project SCT/Mexico

We arrived at carrier's POB on 07/19/2007 at 08:30am and were greeted by Mr Fernando Barney, Mr Cesar Leyva, Ms Maria Garcia and Mr Mario Martinez. The carrier's facility required signing in at the entrance and a vistor permit was issued. Security guards are on duty 24 hours. After introducing all above mentioned personnel, the PASA Phase I Verification process commenced and all information was gathered and documented. The carrier met the 5 required elements of Phase I Verification process. Adequate amount of time was used to explain and insure carrier fully understood the Advisement of Obligation to Comply with Statues and Regulations. The representative agreed to all terms explained and the form was signed and dated. A copy was made available to the general manager. Our PASA group then broke into two teams. The team assigned to conduct the Level V on site vehicle inspections were directed to the designated area. The designated area provided by the carrier was safe and adequate. SA Luis P. Garcia and SA Javier Gonzalez immediately began inspections on vehicles made available for that day. The CAPRI Phase II of the PASA followed after all documents were scanned. Assisting me was SI Vincent Martinez who scanned and provided D&A Testing and HOS training to the carrier. Present for the CAPRI PASA Phase II was legal representative/general manager Cesar Leyva and process agent Maria Garcia. Upon completion of CAPRI Phase II the carrier was explained the Protested Application Process and a signed and dated copy was provided. The representative signed and received a copy of Part A (Page 1 and 2) and Receipt Page of the PASA report. The receipt page included the two documents in the total number of documents received by the motor carrier. The carrier's gross revenue for year ending 12/31/2006 is listed as \$8,656,03.00 (US Dollars). The motor carrier plans, if issued OP-1 (MX) Authority, to use 13 truck tractors and 18 trailers which are currently used to conduct operations in the commercial zone. It should be noted that Anthony Saraco from the OIG team sat in throughout the entire process of the PASA. His main duty was to observe and document the PASA process. Mr Saraco continued his travel to the Brownsville Field Office observing the scanning of gathered PASA documents into the EDMS and process involved in the upload and approval of PASA.

Under Part 387: The carrier provided proof of the required financial responsibility in the amount of \$1,000,000. Retention copies of MCS-90 for FY2006 and FY2007 are on file. The insurance policy was verified by contacting Commercial American Insurance Company located at 415 Lockhaven Drive, Houston, TX 77073. In speaking with CAIC Operations Manager Carlos Ursua at (713)960-1214 ext.108, the master policy insurance number PCO-005511 is a valid insurance. The carrier is aware of the insurance financial requirements if OP-1(MX) Authority is granted. Mr Carlos Ursua stated in his e-mail message that the company has been insured under them since 2002 when company's name was Transportadora Raramuri. All insurance documents were scanned as evidence and uploaded into EDMS.

Under Part 383: CDLIS check inquiry of driver's list (Total of Thirteen) provided by carrier revealed a valid Licencia Federal de Conductor (CDL) for all drivers. Copies of CDLIS inquiry are included in this review as well as a copy of the Licencia Federal de Conductor provided by the carrier for each driver they intend to use if issued OP-1 Authority. A CDLIS check inquiry was also done on all drivers used in the last 365 days as shown on carrier's profile.

Under Part 40 and 382: The motor carrier has a D&A Testing Program in place. The carrier also has implemented a Random Testing Program since January 2006 with Ri-Tech Drug Testing Services located at 2501 E Yandell, El Paso, TX



**Part C**

copy of his D&A Testing Policy. The D&A regulations were discussed in-depth with the general manager and the process agent. Training material was made available to the carrier. A copy of USDOT Implementation Guidelines for Alcohol and Drug Regulations in Highway Transportation was provided to the carrier as well as Spanish brochures of D&A Testing. Recommendations were made to carrier to have drivers enrolled in his own random program for a better chance of testing. The consortium in which carrier is currently enrolled has a total of 1161 participants in the random pool. The motor carrier is aware he must be in full compliance to avoid any future violations. The company's 13 current drivers are enrolled in the consortium eligible pool.

Under Part 390: The motor carrier has not had any recordable accidents in the last 12 months. The carrier was made aware of the definition of an accident involving a CMV and the requirements of documents to be maintained on file. The carrier stated they had no accidents in the territory of Mexico. The carrier was informed of the new marking requirements by adding suffix X after their USDOT number if granted OP-1(MX) Authority. Carrier was also made aware of recent addition of Fire meeting the definition of an accident. A copy of PART 382.303 Post-accident testing in English and Spanish were made available to the carrier.

Under Part 391: The motor carrier produced a list of 13 drivers planning to operate in the United States. DQ files for each driver were reviewed and some discrepancies were found. The application for employment did not meet DOT requirements under Part 391.51. The carrier was made aware of discrepancy and stated they would take immediate action to comply. Question #5 in Driver 391.51(b)(2) was answered NA in accordance with eFOTM and the following note. Note: Mexican motor carries may not be able to review a driver's driving record in accordance with # 391.23(a)(1). This question should NOT be answered NO in these instances. No new guidance memorandum has been provided or made available to properly answer question. DQ files reviewed were:

On Friday 07/20/2007 during the morning, I interviewed two of the company's drivers to determine if they could communicate in english. Driver \_\_\_\_\_ did understand some basic english instructions regarding the CMV inspection process. The driver however could not speak much english. Driver number two \_\_\_\_\_ could communicate and speak english. He is currently enrolled in a basic english course. The drivers stated that the company will soon be providing english courses to all drivers in order to meet the english requirement.

Under Part 395: The motor carrier produced 6 months of Time Records and supporting documents for all 13 drivers. Advised and explained to the carrier the importance and responsibility of keeping accurate and legitimate Time Records. The carrier was also advised of the required retention period for such records. The carrier produced a copy of company's disciplinary policy for non-compliance with Part 395 signed and dated from each driver. A total of 390 days of time records were reviewed. It should be noted that Safety Investigator Vincent Martinez provided training on HOS to the person responsible of reviewing driver Time Cards.



**Part C**

vehicle list included a total of 25 trailers which was modified to read 18 due to 7 trailers on leased terms by company.

The motor carrier had a total of 348 inspections listed on company profile for the past 365 days. Web sites reviewed for carrier information include MCMIS, QUERY CENTRAL, SAFER, L&I, CDLIS, EMIS, PC MILER, PRO VU AND PIQ. Throughout the SA the carrier was courteous, attentive and receptive of recommendations made. The motor carrier displayed a sincere desire to comply with all applicable regulations. We thanked the carrier for accommodating such a large group and for their hospitality.

Upon completion of the CAPRI PASA, Phase II, I reviewed with Legal Representative/General Manager Cesar Leyva , the Protest Procedures flowchart "Attachment 5" from the PASA memo. I notified the motor carrier of the possibility of a protest to their application for OP-1 (MX) long haul operating authority, and the time limits for responding to a protest. I provided a copy of the Protest Procedures flowchart to Legal Representative/General Manager Cesar Leyva.

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>
<b>Authorized by:</b>		<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>
<b>Verified by:</b>		<b>Failure Code:</b>
		<b>Date:</b>

